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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,329	02/17/2004	Jeff Grady	4185-101 CIP2	1103

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW  
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EXAMINER

VO, NGUYEN THANH

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/780,329	GRADY, JEFF	
	Examiner	Art Unit	
	Nguyen T. Vo	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-24 and 27-31 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1 and 17, the recitation “**optionally**, an FM receiver” renders the claims indefinite because it is not clear whether or not an FM receiver is being claimed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 14, 17-18, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Enners (US 2003/0114133, cited by examiner).

As to claims 1, 17, Enners discloses an audio player assembly (see figure 1) comprising an MP3 player 10 (see paragraph [0021]); and an audio player unit 20 comprising at least one speaker (see paragraphs [0014], [0024]), wherein said audio player unit is operatively connected with the MP3 player for receiving an audio signal

produced by the MP3 player and for outputting said audio signal through the at least one speaker thereof (see paragraphs [0014], [0024], [0029]). In this case, since the FM receiver is **optionally** claimed it is not given any patentable weight.

As to claims 2-3, 14, 18, 27, see the docking unit in figure 1 (see also paragraph [0022]).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enners in view of Shealtiel (US 2002/0106993, cited by examiner).

As to claims 4-5, 19-20, Enners fails to disclose that the docking unit comprises at least one indicator light indicative of the operational state of the unit as claimed. Shealtiel discloses a docking unit 312 (see figures 6-7) comprising at least one indicator light indicative of the operational state of the unit (see paragraph [0076]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shealtiel to Enners, in order to allow the user to visualize the operational state of the unit (as suggested by Shealtiel at paragraph [0076]).

7. Claims 6, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enners in view of Shealtiel as applied to claims 4 and 19 above, and further in view of Dimenstein (US 2002/0086703, cited by examiner).

As to claims 6, 21, the combination of Enners and Shealtiel fails to disclose that the indicator light indicates the charging status of a battery in the MP3 player docked in the docking cavity of the docking unit as claimed. Dimenstein discloses an indicator light 118 indicating the charging status of a battery in a communication device 109 docked in the docking cavity of a docking unit 100 (see paragraph [0035]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Dimenstein to the combination of Enners and Shealtiel, in order to allow the user to visualize the charging state of the battery (as suggested by Dimenstein at paragraph [0035]).

8. Claims 7-8, 16, 28-29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enners in view of McGowan (US 2003/0036357, cited by examiner).

As to claims 7, 28, Enners fails to disclose that the vehicle receiver including a FM receiver as claimed. McGowan discloses a vehicle receiver including a FM receiver for receiving radio frequency signals transmitted from a MP3 player (see paragraphs [0016], [0017], [0023], [0028] and [0029]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of McGowan to Enners, in order to offer an inexpensive, straightforward solution to reproducing audio signals (as suggested by McGowan at paragraph [0018]).

As to claims 8, 29, the combination of Enners and McGowan discloses the claimed limitations (see McGowan, paragraphs [0016], [0017], [0023], [0028] and [0029]).

As to claims 16, 31, the combination of Enners and McGowan as set forth in claim 7 above is herein incorporated. In addition, McGowan further discloses a boombox (see paragraph [0017]).

9. Claims 9-10, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enners in view of Dimenstein (US 2002/0086703, cited by examiner).

As to claims 9, 22, Enners fails to disclose that the docking unit further comprises power/charging circuitry and coupling means in the docking cavity for connecting the MP3 player with power/charging circuitry as claimed. Dimenstein discloses that a docking unit 100 comprising power/charging circuitry and coupling means in the docking cavity for connecting a electronic device with power/charging circuitry (see figures 2-3, paragraphs [0033]-[0035]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Dimenstein to Enners, in order to save the battery life of the MP3 player (as suggested by Dimenstein at paragraph [0035]).

As to claims 10, 23, since the coupling means in Dimenstein comprising electrical connection as disclosed at paragraph [0034], it reads on a fire-wire coupling as claimed.

10. Claims 11, 15, 24, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enners.

As to claims 11, 24, Enners fails to disclose an amplifier coupled with the speaker for outputting the amplified audio signal through the speaker as claimed. The examiner, however, takes Official Notice that using an amplifier to amplify an audio signal is known in the art for the purpose of improving the quality of audio signals at the

speaker. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the conventional audio amplifier in Enners, in order to improve the quality of audio signals at the speaker.

As to claims 15, 30, Enners fails to disclose that the MP3 player comprises an iPOD MP3 player as claimed. The examiner, however, takes Official Notice that such an iPOD MP3 player is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the conventional iPOD MP3 player in Enners, because the iPOD MP3 player has advantages such as more memory capacity.

#### ***Allowable Subject Matter***

11. Claims 12-13, 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 12, 25, the applied references fail to disclose or render obvious that the modular docking unit comprises a frequency indicator on the main body portion as specified in the claim.

As to claims 13, 26, the applied references fail to disclose or render obvious that the modular docking unit comprises a frequency tuning control on the main body portion as specified in the claim.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marlow (US 2004/0151327); Smith (US 2005/0170744) and Grady (6,591,085) disclose MP3 players with audio systems.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Vo whose telephone number is (571) 272-7901. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nguyen Vo

*Nguyen Vo*  
5/26/2006

**NGUYENT.VO**  
**PRIMARY EXAMINER**